

**FILED**

FEB - 6 2023

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY AK DEPUTY CLERK

Brandon Hunter - 2359710  
Name and Prisoner/Booking Number  
Sacramento County Main Jail  
Place of Confinement  
651 "I" Street  
Mailing Address  
Sacramento, CA 95814  
City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

Brandon Eugene Hunter  
(Full Name of Plaintiff) Plaintiff,

v.

CASE NO. 2:22-CV-01520-JDP(PC)  
(To be supplied by the Clerk)

(1) Sacramento County  
(Full Name of Defendant)

(2) DOE 1

(3) DOE 2

(4) \_\_\_\_\_

Defendant(s).

☐ Check if there are additional Defendants and attach page 1-A listing them.

"Jury Trial Demanded"

**CIVIL RIGHTS COMPLAINT  
BY A PRISONER**

☐ Original Complaint

☒ First Amended Complaint

☐ Second Amended Complaint

**A. JURISDICTION**

1. This Court has jurisdiction over this action pursuant to:

☒ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983

☐ 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).

☐ Other: \_\_\_\_\_

2. Institution/city where violation occurred: Sacramento County Main Jail

**B. DEFENDANTS**

1. Name of first Defendant: Sacramento County. The first Defendant is employed as:  
Municipal Corporation at Sacramento County Main Jail.  
(Position and Title) (Institution)
2. Name of second Defendant: John Doe 1. The second Defendant is employed as:  
Ortho Doctor at Sacramento County Main Jail.  
(Position and Title) (Institution)
3. Name of third Defendant: John Doe 2. The third Defendant is employed as:  
Unknown at Sacramento County Main Jail.  
(Position and Title) (Institution)
4. Name of fourth Defendant: \_\_\_\_\_. The fourth Defendant is employed as:  
\_\_\_\_\_ at \_\_\_\_\_.  
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

**C. PREVIOUS LAWSUITS**

1. Have you filed any other lawsuits while you were a prisoner? ☒ Yes ☐ No
2. If yes, how many lawsuits have you filed? 7. Describe the previous lawsuits:
  - a. First prior lawsuit:
    1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
    2. Court and case number: \_\_\_\_\_
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_
  - b. Second prior lawsuit:
    1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
    2. Court and case number: \_\_\_\_\_
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_
  - c. Third prior lawsuit:
    1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
    2. Court and case number: \_\_\_\_\_
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

**D. CAUSE OF ACTION****CLAIM I**

1. State the constitutional or other federal civil right that was violated: Violation of Due Process.

2. **Claim I.** Identify the issue involved. Check **only one**. State additional issues in separate claims.

- |  |   |   |  |
|--|---|---|--|
| <input type="checkbox"/> Basic necessities             | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court  | <input checked="" type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation             |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____         |  |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim I. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

- 1.) In 2016 Plaintiff began having sever shoulder pain.  
 2.) Plaintiff sought treatment and was given an MRI of the right shoulder in 2017.  
 3.) Plaintiff was diagnosed with a 360° torn labrium.  
 4.) Surgery was recommended and required to fix. Plaintiff wanted the surgery, but was released from the California Men's Colony in 2018, before the surgery could be completed.  
 5.) From July 2018 to December 2020 Plaintiff suffered from homelessness, mental health issues, and multiple incarcerations, that made it impossible for plaintiff to seek treatment and receive surgery on the right shoulder.  
 6.) Plaintiff was arrested in Los Angeles County in December 2020. Plaintiff was then extradited to Sacramento County in November 2021. Plaintiff has remained in custody from December 2020 to the present of February 2023.  
 7.) Plaintiff sought surgery in Los Angeles but was transfered to Sacramento.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

Constant suvlier neck and shoulder pain. Mental anguish, worry, timidness, distress.

5. **Administrative Remedies:**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- b. Did you submit a request for administrative relief on Claim I? ☒ Yes ☐ No
- c. Did you appeal your request for relief on Claim I to the highest level? ☒ Yes ☐ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. \_\_\_\_\_

1 before I could receive the surgery.

2 8.) Upon arrival at Sacramento County Main Jail,  
3 plaintiff immediately began putting in medical request  
4 to get the surgery, complaining of pain and suffering,  
5 and the lack of daily functioning activity due to the  
6 extent of the injury, and the lack of arm  
7 mobility.

8 9.) It should be noted this shoulder injury is around  
9 7 years old and requires surgery. Plaintiff has been  
10 in custody for approximately 26 months, and still has  
11 not received that surgery or even an MRI to assess  
12 any new damage to the shoulder. Plaintiff has  
13 been in Sacramento County Main Jail for 14 of those  
14 26 months.

15 10.) Plaintiff has been left in pain and suffering the  
16 entire 14 months while housed in Sacramento County  
17 Main Jail. The injury affects Plaintiff's day to day  
18 functioning activities.

19 11.) In the last 7 years multiple incidents have  
20 occurred that has aggravated the injury, including  
21 multiple incidents while housed here in Sacramento  
22 County. Plaintiff believes and has complained  
23 to multiple medical personnel at Sacramento County  
24 Main Jail, that I need another MRI to assess  
25 new injuries to the shoulder.

26 12.) Plaintiff was eventually referred to Ortho  
27 in 2022, to assess the need for an MRI and  
28 surgery. Plaintiff saw Ortho, and the specialist



1 orderd an MRI.

2 13.) After months of waiting for the MRI,  
3 Plaintiff filed a grievance. Plaintiff spoke to  
4 medical persenal agin, who orderd pain  
5 medications and sent me to Ortho agin.

6 14.) When plaintiff saw Ortho agin, it was  
7 the same individual "John Doe 1". Plaintiff  
8 was informed by John Doe 1 that an unknown  
9 individual claimed I refused the MRI some  
10 months back. I informed John Doe 1 I never  
11 was asked if I wanted to go get an MRI, and  
12 that I never refused the MRI. John Doe 1  
13 continued to exsplain that was the reason  
14 for the delay. While talking to John Doe 1, I  
15 complained of pain in both shoulders. John  
16 Doe 1 decided to order an MRI on the Left  
17 shoulder and put in an order for surgery on  
18 the right shoulder. I told John Doe 1 I wanted  
19 an MRI on the right shoulder because there  
20 may be new damage since the last MRI  
21 was taken about 6 years ago. He refused to  
22 order the MRI for the right shoulder, but  
23 put in the request for surgery on it. His order  
24 for surgery was based on the information I  
25 provided him of the 6 year old MRI, that  
26 showed I had a 360' tare in my right  
27 Labrium. Plaintiff is highly concerned, due to  
28 John Doe 1's refusal to order a new MRI

1 on the right shoulder to assess any new damage,  
2 that if the surgery is performed, the shoulder  
3 might not be fully repaired, and require  
4 multiple surgeries. Or that the Doctor would  
5 refuse the surgery until a recent MRI  
6 is obtained, so he can fully assess the  
7 extent of damage to the shoulder. In which  
8 case that would cause an unnecessary  
9 delay in treatment, leaving plaintiff in  
10 prolonged pain and suffering.

11 15.) Plaintiff has since received the MRI on  
12 the left shoulder. But after months of waiting  
13 the surgery on the right shoulder has not taken  
14 place. John Doe 1 claimed the right shoulder was  
15 an elective surgery, and that it may not be  
16 approved. Plaintiff pain medication has also been  
17 discontinued.

18 16.) Plaintiff is unsure who John Doe 2 is and  
19 does not know their position or title or what  
20 capacity they operate in. But plaintiff alleges  
21 John Doe 2 is responsible for approving Plaintiff's  
22 surgery or not. Plaintiff at this time is unsure  
23 if John Doe 2 is an individual or a group  
24 of individuals. But Plaintiff believes this individual  
25 or group of individuals is responsible for the  
26 delay in Plaintiff's surgery.

27 17.) If service of this complaint on defendants  
28 is granted, Plaintiff will file discovery motions



1 to obtain the names of John Doe 1 and  
2 John Doe 2.

3 18.) Plaintiff will also file motions of Discovery  
4 to obtain exact dates.

5 19.) Plaintiff believes John Doe 1 is guilty of  
6 deliberate indifference for refusing to order  
7 another MRI on the right shoulder, after the  
8 first MRI was cancelled. Plaintiff's position and  
9 belief is this will lead to prolonged pain and  
10 suffering, because any surgeon performing the  
11 surgery will require an up-to-date MRI, to  
12 fully assess the extent of damage to provide  
13 the surgery. Or if the Dr. does perform the  
14 surgery, it may require multiple other surgeries  
15 to fully repair the shoulder. Leaving the plaintiff  
16 in prolonged pain and suffering in any case.

17 20.) Plaintiff believes John Doe 2 is guilty of Deliberate  
18 indifference, because this individual or individuals  
19 has failed to approve and schedule plaintiff's  
20 surgery within a timely manner, leaving the  
21 Plaintiff in prolonged pain and suffering.

22 21.) Plaintiff believes Sacramento County is at fault  
23 because lack of adequate treatment in a  
24 timely manner, has become a custom as  
25 outlined in Mays v. Sacramento, due to Jail  
26 over population. Sacramento County is responsible  
27 for the medical treatment of the Sacramento  
28 County Jail's inmate population.

**E. REQUEST FOR RELIEF**

State the relief you are seeking:

\$1,000,000 for pain and suffering.  
Injunctive relieve to require an MRI of the right shoulder.  
Injunctive relieve to require surgery of the right shoulder.  
Any other relieve the Courts deem nessacery.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 2/2/23  
DATE

  
SIGNATURE OF PLAINTIFF

\_\_\_\_\_  
(Name and title of paralegal, legal assistant, or  
other person who helped prepare this complaint)

\_\_\_\_\_  
(Signature of attorney, if any)

\_\_\_\_\_  
(Attorney's address & telephone number)

**ADDITIONAL PAGES**

All questions must be answered concisely in the proper space on the form. If you need more space you may attach more pages, but you are strongly encouraged to limit your complaint to twenty-five pages. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages. Remember, there is no need to attach exhibits to your complaint.